

Dated: April 30, 2012



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*James M. Marlar*  
 James M. Marlar, Chief Bankruptcy Judge

6      **IN THE UNITED STATES BANKRUPTCY COURT**  
 7      **FOR THE DISTRICT OF ARIZONA**

In re:

10     MARK D MILLS  
 11     xxx-xx-5482

12     And  
 13     SUZETTE P MILLS  
 14     xxx-xx-0609

15     112 S. 110<sup>th</sup> Drive  
 16     Avondale, AZ 85323

Debtors.

In Proceedings Under Chapter 13

Case No.: 2:10-bk-28505 JMM

**STIPULATED ORDER CONFIRMING  
 SECOND AMENDED CHAPTER 13  
 PLAN AND APPLICATION FOR  
 PAYMENT OF ADMINISTRATIVE  
 EXPENSE**

17     The Second Amended Chapter 13 Plan having been properly noticed out to creditors,

18     **IT IS ORDERED** Confirming the Second Amended Plan of the Debtors as follows:

19     1. **INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of future  
 20     income to the Trustee for distribution under the Plan.

21     a. Future Earnings or Income. Debtors shall make the following monthly Plan Payments:

<u>Months</u>	<u>Dates</u>	<u>Payments</u>
1 - 1	October 2010	\$690.00
2 - 2	November 2010	\$ 0.00
3 - 4	December 2010 through January 2011	\$690.00
5 - 7	February 2011 through April 2011	\$ 0.00
8 - 11	May 2011 through August 2011	\$355.00
12-15	September 2011 through December 2011	\$ 0.00
16-43	January 2012 through April 2014	\$475.00
44-60	May 2014 through September 2015	\$800.00

27     The payments are due on or before the 7<sup>th</sup> day of each month commencing October, 2010.  
 28     Debtors are advised that when payments are remitted late, additional interest may accrue on

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1 secured debts, which may result in a funding shortfall at the end of the Plan term. **Any funding**  
2 **shortfall must be cured before the plan can be discharged.**

3 The Debtors shall provide, directly to the Trustee copies of their **federal** and **state** income tax  
4 returns for 2010, 2011, 2012 and 2013 while in the bankruptcy case, within 15 days of filing. The  
purpose is to assist the Trustee in determining any change in Debtors' annual disposable income.

5 b. **Other Property.** In the event that other property is submitted, it shall be treated as  
6 supplemental payments. In no event will the term of the Plan be reduced to less than 60  
months, exclusive of any property recovered by the Trustee, unless all allowed claims are  
7 paid in full.

8 2. **DURATION.** This Plan shall continue for 60 months from the first regular monthly payment  
9 described in Paragraph 1(a) above. If at any time before the end of the Plan period all claims are  
paid, then the Plan shall terminate.

10 3. **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified and paid as  
11 listed below. The Plan and this Order shall not constitute an informal proof of claim for any  
12 creditor. The Trustee shall receive the percentage fee on the Plan payments pursuant to 28 U.S.C.  
§586(e), then the Trustee will pay creditors in the following order:

13 a. **Administrative Expenses:**

14 15 **Attorney Fees.** Debtors agreed to a flat fee of \$4,000.00. Phillips & Associates shall be  
16 allowed total compensation of \$4,000.00. Phillips & Associates received \$4,000.00 prior  
17 to filing this case and will be paid \$ 0.00 by the Chapter 13 Trustee. David Wroblewski  
and Associates shall be allowed total compensation of \$ 0.00 and will be paid \$ 0.00 by  
the Chapter 13 Trustee for completion of the items in Section F(1) of the Amended Plan.

18 b. **Claims Secured by Real Property:**

19 20 **WELLS FARGO BANK, N.A.,** secured by a lien on Debtors' primary residence  
located at 112 S. 110<sup>th</sup> Drive, Avondale, Arizona, shall not be paid through the Plan.  
21 Regular post-petition payments will be made outside the Plan direct to the secured  
creditor by the Debtors.

22 23 **GE MONEY BANK,** is secured by a second deed of trust in the Debtors' residence  
located at 112 S. 110<sup>th</sup> Drive, Avondale, Arizona. The lien of **GE MONEY BANK** shall  
24 be avoided by separate order of this Court. As a result of the avoidance of the lien of **GE  
MONEY BANK**, **GE MONEY BANK** shall not be paid through the Plan as a secured  
25 creditor, or direct by the Debtors. Rather any filed claim of **GE MONEY BANK** for this  
debt shall be classified and paid as a general unsecured claim.

26 27 **ROOSEVELT PARK UNIT ONE COMMUNITY ASSOCIATION** is secured in  
accordance with the CC&R(s). The Debtors' payments are current to **ROOSEVELT**  
**PARK UNIT ONE COMMUNITY ASSOCIATION**, which has filed no proof of  
28 claim; therefore, no funds shall be paid to it by the Trustee through this Plan. The

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1           Debtors shall continue to make regular contractual payments direct to **ROOSEVELT**  
2           **PARK UNIT ONE COMMUNITY ASSOCIATION** outside of the Plan.

3           c. Claims Secured by Personal Property:

4           **WELLS FARGO FINANCIAL NATIONAL BANK (Roomstore)**, secured by  
5           FURNITURE, shall be paid \$4,848.65 together with interest at 0.0%. **WELLS FARGO**  
6           **FINANCIAL NATIONAL BANK** shall not receive adequate protection payments. This  
claim is bifurcated and the balance of the claim shall be classified and paid as a non-  
priority general unsecured claim.

7           **WELLS FARGO FINANCIAL NATIONAL BANK (Mor Furniture)**, secured by  
8           FURNITURE, shall be paid \$1,599.34 together with interest at 0.0%. **WELLS FARGO**  
9           **FINANCIAL NATIONAL BANK** shall not receive adequate protection payments. This  
claim is bifurcated and the balance of the claim shall be classified and paid as a non-  
priority general unsecured claim.

10          d. Unsecured Priority Claims:

11          **INTERNAL REVENUE SERVICE**, filed a proof of claim setting forth that \$4,850.00  
12          is entitled for priority for the following years: 2010. The priority amount shall be paid  
13          through the Debtors' Plan, and any remaining balance shall be treated as a general  
14          unsecured claim

15          e. Leases or Executory Contracts. The following leases and/or executor contracts are  
16          assumed or rejected as follows:

<u>Party</u>	<u>Description</u>	<u>Action</u>
DirectTV	Satellite TV Service	<del>Assume</del>
Monotronics	Home Security Services	<del>Assume</del>
Sprint	Cell Phone Service	Assume
Verizon	Cell Phone Service	Assume

21          f. Surrendered Property.

22          NONE

23          g. Co-Debtor Claim(s):

24          NONE

25          h. Other Provisions:

26          NONE

27          i. Unsecured Non-priority Claims. All other claims shall be classified as unsecured and  
28          non-priority. Such claims shall be paid pro rata the balance of the payments under the

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1 Plan and any unsecured debt balance remaining unpaid at the end of the Plan may be  
2 discharged as provided in 11 U.S.C. § 1328.

- 3
- 4 **4. EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the date of this  
5 Order. Property of the estate vests in Debtors upon confirmation.

6

7 **DATED SIGNED AND ORDERED AS STATED ABOVE**

8

9 **Approved as to Form and Content By:**

10 **DAVID WROBLEWSKI & ASSOCIATES**

11 By:

12 Ronald L. Hoffbauer  
13 20 East Thomas Road, Suite 2600  
Phoenix, AZ 85012  
*Attorneys for Debtors*

14

15 **STANDING CHAPTER 13 TRUSTEE**



16 By:

17 Russell Brown  
18 3838 N. Central Avenue, Suite 800  
19 Phoenix, AZ 85012-1965

20 **Russell Brown**

21 **2012.04.23**

22 **10:07:27 -07'00'**

23

24 **CERTIFICATION OF DEBTORS:** I, Mark D. Mills and I, Suzette P. Mills, hereby certify as follows:

- 25
- 26
- 27
- 28
1. I have reviewed the foregoing Stipulated Order Confirming Chapter 13 Plan in this case, and that I approve the same; and
  2. I have filed all applicable Federal, State, and local tax returns as required by U.S.C. § 1308; and
  3. I have no domestic support obligations.

The Debtors certify: All required State and Federal income tax returns have been filed. No domestic support obligation is owed or, if owed, such payments are current since the time of filing the Petition.

29 Mark D. Mills

30 Suzette P. Mills

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1 **Plan Summary.** If there are any discrepancies between the Plan and this Plan analysis, the  
2 provisions of the confirmed Plan control.

3      Administrative Expense: .....\$0.00  
4      Priority claims: .....\$4,850.00  
5      Payments on Leases or to cure Defaults, Including Interest: .....\$0.00  
6      Payments on Secured claims, Including Interest .....\$6,447.99  
7      Payments on Unsecured, Non-priority Claims: .....\$16,053.01  
8      Subtotal: .....\$27,351.00  
9      Trustee's Compensations (10%) of Debtors' Payments): .....\$3,039.00  
10     Total Plan Payments: .....\$30,390.00

11 **Section 1325 Analysis.**

12 (1) Best Interest of Creditors Test:

13      (a) Value of Debtors; Interest in nonexempt property: .....\$1,420.00  
14      (b) Plus; Value of property recoverable under avoiding powers: .....\$0.00  
15      (c) Less: estimated Chapter 7 administrative expenses: .....\$355.00  
16      (d) Less: Amount payable to unsecured priority creditors: .....\$0.00  
17      (e) **Equals:** Est. amount payable to unsecured, non-priority claims if debtors filed  
18        Chapter 7: .....\$1,065.00

19 Paragraph (2) to be completed by debtors whose current monthly income exceeds the state's  
20 median income

21 (2) Section 1325(b) Analysis;

22      (a) Amount from line 59, form B22C, Statement of Current Monthly Income: ..\$3,660.09  
23      (b) Applicable Commitment Period: .....x 60  
24      (c) Section 1325(b) amount ((B)(1)amount times 60): .....\$219,605.40

25 (3) Estimated Payment to Unsecured, Non-priority Creditors under the Plan: .....\$16,053.01

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